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**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

# Question of Western Sahara

## Report of the Secretary-General

*Summary*

The present report, submitted pursuant to General Assembly resolution 70/98 of 9 December 2015, summarizes the most recent report submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara (S/2016/355) and covers the period from 1 July 2015 to 30 June 2016.

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1. On 9 December 2015, the General Assembly adopted without a vote resolution 70/98 on the question of Western Sahara. The present report, covering the period from 1 July 2015 to 30 June 2016, is submitted in accordance with paragraph 7 of the aforementioned resolution.

2. The Security Council addresses Western Sahara as a matter of peace and security, calling in successive resolutions for a "mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara". The Fourth Committee of the General Assembly (the Special Political and Decolonization Committee) and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples address it as a Non-Self-Governing Territory and an issue of decolonization.

3. Pursuant to Security Council resolution 2218 (2015), I submitted a report to the Security Council on the situation concerning Western Sahara (S/2016/355). In that report, I informed the Council of the situation on the ground, the status and the progress of the political negotiations on Western Sahara, my activities and those of my Chef de Cabinet and my Personal Envoy and the existing challenges to the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO), as well as steps taken to address them, in keeping with the request of the Security Council in its resolution 2218 (2015).

4. West of the berm, public life proceeded peacefully during the reporting period. On 4 September, municipal elections and, for the first time, regional elections were held in Morocco and Western Sahara west of the berm. Insofar as MINURSO could attest, the elections took place without incident west of the berm despite the contested status of the entire territory. King Mohammed VI visited Laayoune in November 2015 and Dakhla in February 2016. On 6 November, he delivered his annual speech on the occasion of the fortieth anniversary of the "Green March" from Laayoune. He stated that the autonomy initiative "is the most Morocco can offer" and that "[i]ts implementation hinges on achieving a final political settlement within the framework of the United Nations". He added that the integration of the territory into unified Morocco would be conducted principally through the "development model for the southern provinces". On 12 November and 15 February, the Permanent Representative of Morocco to the United Nations, Omar Hilale, wrote to me indicating that the initiative would consist of projects in the phosphate, agricultural, fisheries and tourism sectors and that its global budget would be $7.7 billion.

5. In a statement on 4 November, I recalled that the definitive status of Western Sahara is the object of the negotiating process under my purview foreseen in successive relevant Security Council resolutions. I expressed regret at the absence of genuine negotiations "without preconditions and in good faith to achieve a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara". On 5 November, Mr. Hilale called on me to express Morocco's dismay at the content and the timing of the statement. He stressed that the use of the term "definitive status" was new and in contradiction of Security Council resolutions, which called simply for "a mutually acceptable political solution". On 17 November, the Secretary-General of Frente Polisario, Mohamed Abdelaziz, wrote to me welcoming my call for true negotiations,

affirming Polisario support and warning that the "conflict cannot be allowed to continue indefinitely".

6. In the refugee camps near Tindouf, Algeria, public life and social activities were conducted peacefully and in a relatively calm atmosphere. As agreed with Algeria and Frente Polisario, the Office of the United Nations High Commissioner for Human Rights (OHCHR) carried out a technical visit to the refugee camps near Tindouf from 29 July to 4 August 2015. The visit enabled OHCHR to gather first-hand information and gain a greater understanding of the human rights situation and challenges in the refugee camps. The visit also enabled OHCHR to explore future forms of cooperation to ensure effective human rights protection for all. A similar visit was carried out, as jointly agreed with Morocco, to Laayoune and Dakhla in Western Sahara in April 2015.

7. The humanitarian situation in the refugee camps remained challenging. The severe living conditions, already affected by a continuing decrease in humanitarian aid, deteriorated further in October 2015 as a result of prolonged heavy rains that devastated the five camps, destroying many of the refugees' mud-brick homes, infrastructure and food supplies. The inter-agency appeal released for the emergency response received limited funding, allowing implementation of only part of the planned activities. Similarly, lack of funding continued to affect other regular refugee programmes in the camps.

8. From 16 to 22 December 2015, Frente Polisario organized its fourteenth General Peoples' Congress. On 23 December, Mohamed Abdelaziz was re-elected as Secretary-General of Frente Polisario. In January 2016, he appointed new officials in several domains. Following the passing of Frente Polisario Secretary-General Abdelaziz on 31 May 2016, the Polisario leadership announced a 40-day mourning period and started preparations for the organization of a congress to elect a new Secretary-General early in July 2016.

9. At my request, my Personal Envoy for Western Sahara, Christopher Ross, began to intensify his efforts through bilateral consultations and shuttle diplomacy to foster new ideas with a view to resuming the political negotiations between the parties. During the reporting period, he undertook four trips to the region: from 31 August to 10 September 2015; from 19 to 28 October 2015; from 22 to 30 November 2015; and from 16 to 25 February 2016.

10. In Rabat, Minister for Foreign Affairs Salaheddine Mezouar and other senior officials received my Personal Envoy. They introduced two of Morocco's long-standing positions as new ideas to be explored in shuttle diplomacy. In September 2015, they asked him to explore bringing Algeria to the table as a formal party in the negotiation process, maintaining that the continuation of the status quo was due to Algeria's absence. In October 2015, they suggested that he promote an exchange of views on self-determination. Mr. Mezouar encouraged my Personal Envoy to return to Rabat as often as he wished to continue his shuttle diplomacy. He further reiterated Morocco's commitment to the United Nations-led negotiating process. For his part, the new Minister-Delegate for Foreign Affairs, Nasser Bourita, affirmed that the process was based on the "2004 understanding", which, in his view, consisted of a political solution that did not bring the status of Western Sahara into question, given that "the Sahara is already Moroccan".

11. In Rabouni, Secretary-General Abdelaziz met my Personal Envoy in October 2015. He indicated that Frente Polisario was ready to enter negotiations on a more flexible basis if Morocco also showed similar flexibility. In his meetings with the Frente Polisario negotiating team, the latter dismissed both of Morocco's ideas for shuttle diplomacy, arguing that it sought to create confusion in the negotiating process and delay it further. They maintained that Morocco had effectively rejected the negotiating process since 2012 and lacked respect for the United Nations and Frente Polisario.

12. In Algeria, President Bouteflika confirmed that his country's position remained unchanged and reiterated that Algeria would accept any solution that Frente Polisario endorsed. Other interlocutors underscored that Algeria was not party to the Western Sahara conflict, rejecting Moroccan efforts to "bilateralize" the conflict as a "regional dispute" between Algeria and Morocco. In Nouakchott, my Personal Envoy met on two occasions with Prime Minister Yahya Ould Hademine, who reiterated his country's long-standing position of "positive neutrality" with regard to the Western Sahara negotiating process. The Prime Minister and other interlocutors further warned that the continuing stalemate risked undermining regional stability.

13. My Personal Envoy also visited Madrid, Paris, London and Washington, D.C. to continue his consultations with members of the Group of Friends on Western Sahara. He also met with the Deputy Minister for Foreign Affairs of the Russian Federation in New York.

14. Given the ongoing stalemate and my desire to visit MINURSO, I travelled to the region from 3 to 7 March 2016, visiting Nouakchott, the Smara refugee camp near Tindouf, Rabouni, the MINURSO team site in Bir Lahlou and Algiers. The visit had four objectives: (i) to make my own assessment and contribution to the search for a settlement; (ii) to visit MINURSO and pay tribute to its civilian personnel and military observers; (iii) to bear witness to the protracted humanitarian plight of the refugees; and (iv) to exchange views on other issues of mutual interest with relevant leaders.

15. In Nouakchott, Rabouni and Algiers, I held discussions with the leaders of Mauritania, Frente Polisario and Algeria on the status of the negotiating process and how to make progress. In the Smara refugee camp, I saw first-hand the deep emotions and profound frustrations resulting from more than 40 years of living without any prospect of a better future. With every interlocutor, I stressed the urgent need for progress towards a "mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara". I also committed myself to doing more to encourage greater humanitarian assistance for the camps.

16. On the occasion of my visit to the region, the Government of Morocco took strong exception to a number of my words and actions. On 16 March, the Permanent Mission of Morocco sent a list of 83 international civilian personnel of MINURSO and the African Union who were asked to leave within three days. The United Nations and African Union international civilian personnel on the list actually present in Laayoune, as well as their dependents, were temporarily reassigned from Laayoune to Las Palmas (Spain) or their home countries by 20 March. At the same time, Morocco signalled its unwillingness to receive my Personal Envoy and resume the negotiating process until the issues related to MINURSO were resolved.

17. On 29 April, the Security Council adopted resolution 2285 (2015) renewing the mandate of MINURSO for 12 months. The resolution emphasized the role of MINURSO in "recognizing the important role played by MINURSO on the ground and the need to fully implement its mandate" and hence "emphasizes the urgent need for MINURSO to return to full functionality". The Council also recognized the "importance of the parties committing to continue the negotiations process" and called them to continue negotiations "without preconditions and in good faith".

18. Following discussions between United Nations and Moroccan representatives in early June, an understanding on the return of MINURSO staff was reached. The implementation of the agreement was due to start in early July 2016 in order to ensure the Mission's return to full functionality.

19. Despite renewed efforts of the entire United Nations system, including through my personal engagement, I remain concerned over the continued lack of progress on the ground. I am convinced that the key issue at stake, the stalemate in the negotiating process, continues to hamper efforts in all other fields, including ensuring human rights protection, the economic integration of the region and cooperation in the fight against terrorism. It also continues to be a source of suffering on the ground for a refugee population that has lived in very challenging conditions for far too long. The frustration of the refugees, and in particular the youth, is mounting to an alarming degree. It remains essential to remind the parties, the neighbouring States and the international community of their respective responsibilities to find and foster progress toward a solution to the conflict. I therefore reiterate my call to the parties to move, with the assistance of the neighbouring countries, toward a solution without further delay and, to that end, urge them to engage in genuine negotiations with the support and facilitation of my Personal Envoy.